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United States Senate

COMMITTEE ON HEALTH, EDUCATION,
LABOR, AND PENSIONS

WASHINGTON, DC 20510-6300

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December 1, 2011

Dr. Margaret Hamburg
Commissioner
Food and Drug Administration
10903 New Hampshire Ave.
Silver Spring, MD 20993

Dear Commissioner Hamburg,

I write regarding the safety of fruit juice products. As you know, I have a long standing interest in food safety. I led a bipartisan effort in Congress to pass the Food and Drug Administration Food Safety Modernization Act (FSMA), which was signed into law last January. The purpose of that law was to modernize the food safety system in this country and protect consumers from the threat of toxins or other hazards in their food supply. As FDA drafts regulations implementing the sections of the FSMA related to produce safety standards and preventive controls, I encourage the agency to consider the threat posed to our food supply by environmental contaminants.

A study released yesterday by Consumer Reports documents high levels of arsenic in popular brands of apple and grape juices consumed in the United States. Of the 88 samples tested, 10 percent contained total arsenic levels that exceed the federal standards for drinking water of 10 parts per billion and nearly 25 percent contained lead levels that exceed FDA's standard for bottled water of 5 parts per billion. Most of the arsenic detected in the samples was inorganic arsenic, which is a known human carcinogen.

I am extremely concerned by these study results because fruit juices are a primary source of calories for children in the United States. As you know, the majority of apple juice concentrate consumed in this country is imported from China, where under-regulated pesticide use and environmental contamination pose a threat to the safety of the food supply. Consumer Reports also raised concern about the presence of inorganic arsenic in ground water here in the United States.

It is my understanding that FDA has not yet set a limit on permissible levels of total arsenic or lead in fruit juices. It is critical that FDA act swiftly to set limits for total arsenic and lead in fruit juice. I also strongly urge FDA to move quickly to enhance surveillance of the fruit juices imported into the United States and to take appropriate regulatory action to ensure contaminated juice products do not reach American consumers.

Thank you for your attention to this matter.

Sincerely,
A handwritten signature in blue ink, appearing to read "Tom Harkin". The signature is fluid and cursive, with a large initial "T" and a distinct "H".

Tom Harkin
Chairman, Senate HELP Committee